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Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 485, 13th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES WHITE-FRINGED BEETLE REGULATIONS MODIFIED

§ 301.72a *Administrative instructions; modification of certification requirements for specified articles.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.72 (7 CFR, Cum. Supp., Part 301) (Notice of Quarantine No. 72, on account of the white-fringed beetle), the certification requirements of §§ 301.72-4 and 301.72-5 of the regulations revised effective November 25, 1944, are hereby modified as to the interstate movement of the following articles and materials enumerated in § 301.72-3:

(a) Certificates may be issued for the interstate movement of the following materials under the conditions specified below:

(1) Soil, sand, gravel, clay, peat, or muck, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(2) Sand and gravel, when washed, processed, or otherwise treated to the satisfaction of the inspector.

(b) All certification requirements are waived for the following articles and materials when free from soil and when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Potatoes, except that those freshly harvested are not exempt.

(2) True bulbs, corms, tubers, and rhizomes of ornamental plants, except that those freshly harvested or uncured are not exempt.

(3) Hay, except that peanut hay is not exempt.

(4) Seed cotton, cottonseed, and baled cottonseed lint and linters.

(5) Scrap metal and junk.

(6) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(7) Brick, tile, stone, and clinders.

(8) Concrete slabs, pipe, and building blocks.

(9) Implements, machinery, equipment, and containers.

(c) Certification is required for the following articles and materials enumerated in § 301.72-3:

(1) All soil, sand, gravel, clay, peat, or muck, whether moved independent of, or in connection with, or attached to nursery stock, plants, products, articles, or things.

(2) Compost, manure, moss, and leafmold.

(3) Nursery stock.

(4) Grass sod.

(5) Potatoes, freshly harvested.

(6) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(7) Peanuts in the shell.

(8) Peanut hay.

This revision supersedes Circular B. E. P. Q. 485, twelfth revision, which became effective June 16, 1943.

These instructions shall be effective on and after November 28, 1944, and shall remain in effect until further modified or revoked.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 CFR § 301.72; 7 U.S.C., 1940 ed. 161)

Done at Washington, this 22d day of November 1944.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology
and Plant Quarantine.

[F. R. Doc. 44-18066; Filed, Nov. 23, 1944;
11:13 a. m.]

[B. E. P. Q.—Q. 69, Amdt. 2]

PART 319—FOREIGN QUARANTINE NOTICES

FLAG SMUT

Introductory note. Because of a temporary national shortage of feedstuffs and rail transportation, increased impor-

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.
- Book 7: Titles 33-45, with index.
- Book 8: Title 46, with index.

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tations of feedstuffs became necessary. Australia being one of the immediate sources of supply for which water transportation was available, the prohibition against the importation of wheat from Australia contained in 7 CFR, § 319.59 (Flag Smut Quarantine, No. 59), was modified, on June 9, 1944, as an emergency measure to permit the importation of this product by an agency of the Federal Government, under conditions prescribed for the purpose of preventing the danger of flag smut introduction into important wheat areas. Such importation was limited to six boatloads and to a period not to extend beyond November 30, 1944; the imported wheat was obtained in southern Australia where, according to available information, flag smut has not been reported since 1941; and entry and distribution was allowed for feed purposes only, and confined within the area in southern California where wheat is not an important crop. Because the last boatload cannot arrive in Los Angeles by November 30, 1944, the period in which importations may be made is extended to December 31, 1944.

Pursuant to the authority conferred on the Secretary of Agriculture by the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 1940 ed. 160), the subpart entitled "Flag Smut" of Part 319, Chapter III, Title 7, of the Code of Federal Regulations (§ 319.59; B.E.P.Q.—Q. 59) is hereby further amended, effective November 30, 1944, by changing the closing date of the period during which importations may be made from November 30, 1944 to December 31, 1944.

(Sec. 7, 37 Stat. 317; 7 U.S.C. 1940 ed. 160)

Done at the city of Washington this 27th day of November 1944.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 44-18055; Filed, Nov. 27, 1944; 3:22 p. m.]

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 946—MILK IN THE LOUISVILLE, KY., MARKETING AREA

ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

Sec.	Findings and determinations.
946.0	Findings and determinations.
946.1	Definitions.
946.2	Market administrator.
946.3	Classification of milk.
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946.5	Reports of handlers.
946.6	Application of provisions.
946.7	Determination of uniform prices to producers.
946.8	Payment for milk.
946.9	Marketing services.
946.10	Expense of administration.
946.11	Effective time, suspension, and termination.
946.12	Agents.

AUTHORITY: §§ 946.0 to 946.12, inclusive, issued under 48 Stat. 31, 670, 676; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 1940 ed. 601 et seq.

§ 946.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1-900.17; 7 F.R. 3350, 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. It is hereby found upon the basis of the evidence introduced at the original hearing on said order and in addition to the other findings made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Louisville, Kentucky, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to §§ 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the said order, as amended and as hereby amended, are such prices as will

reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby amended, regulates the handling of milk in the same manner, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by this order, which is marketed within the Louisville, Kentucky, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the said order, as amended and as hereby amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of the order, as amended and as hereby amended, is approved or favored by at least two thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1944), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce, shall from the effective date hereof be in compliance with the terms and conditions of the said order, as amended and as hereby amended; and the said order, as amended, is hereby amended as follows:

§ 946.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the city of Louisville, and Fort Knox Military Reservation; and the territory within Floyd County, Indi-

ana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether any such person is also a handler, who produces, under a dairy farm inspection permit issued by the proper health authorities, milk which is received at a plant from which such milk, or a portion thereof, is disposed of as fluid milk in the marketing area. This definition shall be deemed to include any person who produces under a dairy farm inspection permit issued by the proper health authorities, milk caused to be delivered by a cooperative association which is a handler to a plant from which no milk of producers is disposed of as fluid milk in the marketing area.

(f) "Handler" means any person who, on his own behalf or on behalf of others, receives milk from (1) producers, (2) associations of producers, or (3) any person who handles milk of producers or of associations of producers, all, or a portion, of which milk is disposed of as fluid milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk: as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in milk and its products. This definition shall be deemed to include any cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which no milk of producers is disposed of as fluid milk in the marketing area, for the account of such cooperative association: *Provided*, That such milk is handled on a basis which will permit the market administrator to verify the utilization of such milk in the plant at which such milk is received.

(g) "Market administrator" means the person designated pursuant to § 946.2 as the agency for the administration hereof.

(h) "Delivery period" means any calendar month.

(i) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a permit for the receipt thereof issued to him by the proper health authorities.

§ 946.2 *Market administrator—(a) Selection, removal, and salary.* The agency for the administration hereof shall be a market administrator who shall be a person selected, and subject to removal, by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the War Food Administrator complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the War Food Administrator may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the War Food Administrator;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 946.5 or (ii) made payments pursuant to § 946.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Pay, out of the funds provided by § 946.10, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred under § 946.9 hereof; and

(7) Promptly verify the information contained in the reports submitted by handlers.

§ 946.3 *Classification of milk—(a) Basis of classification.* Milk of a producer caused to be delivered by a cooperative association which is a handler to a plant from which no milk of producers is disposed of as fluid milk in the marketing area and all milk, skim milk, and cream received by each handler, including emergency milk and any milk produced by him, at plants from which milk of producers is disposed of as fluid milk in the marketing area, shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c), (d), (e), and (f) of this section. In the classification as required in (b) of this section, the burden rests upon the first handler to account for his receipts and to prove that such receipts should not be classified in the class in which placed by the market administrator.

(b) *Classes of utilization.* The classes of utilization shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of in fluid form as milk, buttermilk, and milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all milk, skim milk, and cream disposed of as fluid

cream, including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream.

(3) Class III milk shall be all milk, skim milk, and cream accounted for (i) as used to produce a product other than those specified in Class I milk and Class II milk, and (ii) as actual plant shrinkage, but not to exceed 2 percent of the total receipts of butterfat, not including butterfat received from other handlers: *Provided*, That if milk is transferred by a handler to another handler without being weighed and tested by the first handler, the quantity of butterfat in such milk shall be included in the butterfat receipts of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the butterfat receipts of the selling handler for the purpose of the latter's plant shrinkage computation: *Provided further*, That (a) if milk from producers is utilized as milk, skim milk, or cream, in connection with milk, skim milk, or cream from sources other than producers or other handlers, the shrinkage allocated to the milk from producers shall not exceed its pro rata share computed on the basis of the proportions of the volumes received from the various sources to their total, and (b) if milk from producers is transferred as milk, skim milk, or cream, under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no milk of producers is disposed of as fluid milk in the marketing area, the shrinkage on the aforesaid transferred portion shall be computed on a pro rata basis with all milk, skim milk, and cream utilized in the latter plant and added to the shrinkage on producers' milk handled in the handler's fluid milk plant.

(c) *Interhandler and nonhandler transfers*. (1) Milk and skim milk disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk, and cream so disposed of shall be Class II milk: *Provided*, That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk, skim milk, or cream was disposed of in another class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator.

(2) Milk and skim milk disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses shall be Class I milk.

(3) Cream disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses shall be Class II milk: *Provided*, That cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for non-fluid purposes shall be

classified according to its ultimate use or disposition by such establishment, subject to verification by the market administrator.

(d) *Computation of class volumes*. For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected report the amount of Class I milk, Class II milk, and Class III milk, as follows:

(1) Determine (i) the total pounds of milk received from producers (including the handler's own production), and (ii) the total pounds of milk, skim milk, and other milk products received from other handlers, received as emergency milk, and received from other sources; add together the resulting amounts.

(2) Determine the total pounds of butterfat received by multiplying by its respective average butterfat test the milk, skim milk, and other milk products determined under (1) of this paragraph; add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows: (i) convert to quarts the quantity of milk and skim milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15; (ii) multiply the result by the average butterfat test thereof; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to (4) (ii) and (5) (ii) of this paragraph is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, the butterfat shrinkage on milk from producers which exceeds 2 percent of such butterfat shall be divided by 4 percent and added to the quantity determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows: (i) multiply the actual weight of each of the products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 4 percent.

(5) Determine the total pounds of Class III milk as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat by the handler, not including butterfat received from other handlers) and shall be added to the result obtained in (ii) of this subparagraph; and (iv) divide the result obtained in (ii) of this subparagraph by 4 percent.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from*

producers. (1) If the total utilization in the various classes for any handler, as computed pursuant to (d) of this section, is less than the actual receipts (not including excess pursuant to § 946.6 (c)), the market administrator shall increase the total pounds of Class III milk for such handler by an amount equal to the difference.

(2) If the total utilization in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the actual receipts (not including excess pursuant to § 946.6 (c)), the market administrator shall decrease the total pounds of Class III milk for such handler by an amount equal to the difference.

(f) *Classification of producer milk*. Determine the classification of milk received from producers by (1) subtracting from the total pounds of milk computed for each class the total pounds received from other handlers and used in such class; (2) subtracting from the remaining pounds in each class the total pounds, except emergency milk, which were received from sources other than producers and handlers and used in such class; (3) subtracting from the remaining pounds of Class III milk the emergency milk received: *Provided*, That if the quantity of emergency milk is greater than the remaining Class III milk, the balance shall be subtracted pro rata from Class I and Class II milk computed under (1) and (2) of this paragraph; and (4) subtracting pro rata out of the remaining milk in each class the quantity of milk of the handler's own production.

§ 946.4 *Minimum prices*—(a) *Class prices*. Subject to the provisions of (b), (c), (d), and (e) of this section, each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices per hundredweight for the respective quantities of Class I milk, Class II milk, and Class III milk, computed pursuant to § 946.3 (e) and (f):

(1) *Class I milk*. The price for Class I milk shall be the price for Class III milk, plus \$1.05.

(2) *Class II milk*. The price for Class II milk shall be the price for Class III milk, plus \$0.50.

(3) *Class III milk*. Except as set forth in (4) of this paragraph, the price for Class III milk shall be the price resulting from the following computation by the market administrator: determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field, prices per hundredweight reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk received during the delivery period:

Concern	Location
Kraft Cheese Co.....	Lawrenceburg, Ky.
Armour Creameries.....	Elizabethtown, Ky.
Armour Creameries.....	Springfield, Ky.
Kraft Cheese Co.....	Salem, Ind.
Ewing-Von Allmen Co.....	Corydon, Ind.
Ewing-Von Allmen Co.....	Madison, Ind.
Producers' Dairy Marketing Ass'n.	Orleans, Ind.

Provided, That if the price so determined is less than the price computed by

the market administrator in accordance with the following formula, such formula price shall be used: (i) multiply by 4 the average wholesale price per pound of 92-score butter in the Chicago market as reported by the War Food Administration (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, (ii) add 20 percent thereof, and (iii) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption published by the War Food Administration (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), for the Chicago market during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for nonfat dry milk solids by roller process for human consumption, f. o. b. manufacturing plant are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by any such agency, shall be used, and the following shall be used in lieu of the computation provided under (iii) herein: Add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids for human consumption, delivered at Chicago, is above 6½ cents per pound.

(4) In the case of butter made from producers' milk received during the delivery periods of May and June which as milk equivalent is not in excess of 10 percent of the handler's Class I milk computed pursuant to § 946.3 (f), the price shall be that resulting from the following computation by the market administrator: Multiply by 4 the average wholesale price of 92-score butter in the Chicago market, as reported by the War Food Administration (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period, and add 20 percent thereof.

(5) The prices used in determining the average manufacturing plant price pursuant to (3) of this paragraph shall be those quoted for milk received at the respective plants, without deductions for hauling or other charges to be paid by the farm shipper.

(b) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the War Food Administrator for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk, plus 12 cents.

(c) *Butterfat differential to handlers.* If any handler has received from producers milk containing more or less than 4 percent of butterfat, each handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4 percent, an amount computed by the market administrator as follows: To the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the War Food Administrator (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which the milk was received, add 20 percent, and divide the result by 10.

(d) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 946.3 (e), the handler shall be debited or credited, as the case may be, at the higher Class III price: *Provided*, That if such handler received from producers milk with an average test of butterfat of 4 percent or less and disposed of no milk, skim milk, or cream as a Class III milk product, such debit or credit, as the case may be, shall be made at the Class II price.

(e) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

§ 946.5 *Reports of handlers*—(a) *Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of milk, skim milk, and cream from producers (including milk produced by him), from handlers, and from any other source; and the utilization of all receipts of milk, skim milk, and cream for the delivery period.

(2) On or before the day emergency milk is received, his intention to receive such milk.

(3) On or before the 5th day after the end of each delivery period, the receipts

during the delivery period of emergency milk, the quantity of such milk, the date or dates upon which such milk was received, the plant from which such milk was shipped, the price per hundredweight paid, or to be paid, for such milk, the utilization of such milk, and such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved, and the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports and payments.* (1) The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler upon whose disposition of milk, skim milk, or other milk products such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk, skim milk, and other milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records, reports, and facilities as will enable the market administrator to (i) verify the receipts and disposition of all milk, skim milk, and cream required to be reported pursuant to this section, and, in case of errors, or omissions, ascertain the correct figures; (ii) weigh, sample, and test for butterfat content the milk received from producers and any milk product upon which classification depends; and (iii) verify the payments to producers prescribed in § 946.8.

(2) If, in the verification of the reports of any handler made pursuant to (a) of this section, it is necessary for the market administrator to examine the records of milk and milk products handled in a plant of a handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk of producers received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the billing computed for such handler for the delivery period following such reclassification.

§ 946.6 *Application of provisions*—(a) *Handlers who are also producers.* No

provision hereof shall apply to a handler whose only sources of milk supply are receipts from his own production or from other handlers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) *Receipts of bulk milk from a handler who is also a producer.* The market administrator, in computing the value of milk for any handler, shall consider as Class III milk any milk, skim milk, or cream received in bulk from a handler whose only source of milk is his own production. If the receiving handler disposes of such milk, skim milk, or cream other than as Class III milk, the market administrator shall add to the total value, computed pursuant to § 946.7 (a), the difference between the value of such milk, skim milk, or cream at the Class III price computed pursuant to § 946.4 (a) (3) and the value according to its actual usage.

(c) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting his own production, receipts from other handlers, receipts from sources determined as other than producers or handlers, and receipts of emergency milk, has disposed of milk or butterfat, computed pursuant to § 946.3 (d), in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, such handler shall pay to producers, through the producer-settlement fund, the value of such milk or the milk equivalent of such butterfat in accordance with its utilization.

§ 946.7 *Determination of uniform prices to producers—(a) Computation of value for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 946.6 (b) and (c), the value of milk of producers disposed of by each handler, by multiplying the quantity in each class by the price applicable to such class and by adding together the resulting class values: *Provided, That if such handler has received milk, skim milk, or cream, except emergency milk, from sources other than producers or handlers, as referred to in § 946.3 (f) (2), there shall be added to the value determined for such handler pursuant to this paragraph an amount computed by multiplying the hundredweight of such milk, skim milk, or milk equivalent of cream by the difference between the higher Class III price and the price applicable to the class in which it was disposed: Provided further, That if such handler has made, during May and June, butter from producer milk, but not to exceed as milk equivalent 10 percent of his Class I milk computed pursuant to § 946.3 (f), he shall be credited, during such delivery periods, at the difference between the Class III prices for the milk equivalent of such butter. If such handler utilizes milk, skim milk, or cream from sources other than producers or other handlers in milk products, the amount of butter allocated to milk from producers shall be a pro rata share based upon the respective*

volumes from each source utilized in milk products.

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of producer milk for each delivery period, as follows:

(1) Combine into one total the respective values, computed pursuant to (a) of this section, for each handler who made the report prescribed by § 946.5 (a) for such delivery period and who has made the payments prescribed by § 946.8 (c);

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f);

(3) Subtract for each of the delivery periods of April, May, and June an amount representing 20 cents per hundredweight of milk received from producers by the handlers whose milk values are included under (1) of this paragraph;

(4) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 946.8 (e) and less the aggregate of the amounts held pursuant to (3) of this paragraph for payment pursuant to § 946.8 (d) (2);

(5) Divide the amount computed pursuant to (4) of this paragraph by the total hundredweight of milk of producers;

(6) Subtract from the figure computed pursuant to (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for milk of producers containing 4 percent of butterfat; and

(7) On or before the 10th day after the end of each delivery period, notify each handler and publicly announce the uniform price per hundredweight computed pursuant to (6) of this paragraph, the class prices, and the butterfat differentials provided by § 946.4 (c) and § 946.8 (f).

§ 946.8 *Payment for milk—(a) Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer, for milk received during the delivery period, an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight subject to the butterfat differential set forth in (f) of this section. Any handler may make payments to producers in addition to the minimum payments required by this paragraph; *Provided, That such additional payments are made to all producers supplying such handler with milk of the same quality and grade.*

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by han-

dlers pursuant to (c) and (e) of this section, and out of which he shall make all payments pursuant to (d) and (e) of this section: *Provided, That payments due any handler shall be offset by payments due from such handler.*

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value of the milk received by him from producers during the delivery period is greater than the amount of the minimum payments required to be made by such handler pursuant to (a) of this section.

(d) *Payments out of the producer-settlement fund.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount, if any, by which the total value of the milk received from producers by such handler is less than the amount of the minimum payments required to be made by such handler pursuant to (a) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 20th day after the end of each delivery period, has not received the balance of payment due him from the market administrator shall be deemed to be in violation of (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, beginning in 1945, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: divide one-third of the aggregate amount held pursuant to § 946.7 (b) (3) by the hundredweight of producers' milk delivered during the delivery period involved (September, October, or November, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided, That payments under this subparagraph due any producer who has given authority to a cooperative association, which is qualified under the "Capper-Volstead Act" pursuant to § 946.9 (b), to receive payment for his milk shall be distributed to such cooperative association if the association requests receipt of such payments.*

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment

is due from the market administrator to any handler, pursuant to (d) of this section the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payments to each producer, pursuant to (a) of this section, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 4 percent in milk received from such producer, the amount as shown in the schedule below for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the War Food Administration (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), for the delivery period during which such milk was received.

Butter price range (cents):	Butterfat differential (cents)
22.499 or less	2½
22.50-27.499	3
27.50-32.499	3½
32.50-37.499	4
37.50-42.499	4½
42.50-47.499	5
47.50-52.499	5½
52.50-57.499	6
57.50-62.499	6½
62.50 and over	7

§ 946.9 *Marketing services.*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made directly to producers pursuant to § 946.8, with respect to all milk received by such handlers from producers during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the War Food Administrator, the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.8, as are author-

ized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 946.10 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or produced by him, during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the War Food Administrator. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by it to plants from which no milk is disposed of in the marketing area.

§ 946.11 *Effective time, suspension, and termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until discharged, (ii) from time to time account for all receipts and disbursements and, if so directed by the War Food Administrator, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such

person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 946.12 *Agents.* The War Food Administrator may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 25th day of November 1944, to be effective on and after the 1st day of December 1944.

MAURIT JONES,
War Food Administrator.

Approved: November 27, 1944.

FRED M. VERNON,
Director of Economic Stabilization.

[F. R. Doc. 44-18961; Filed, Nov. 27, 1944;
4:53 p. m.]

Chapter X—War Food Administration (Production Orders)

[WFO 46, Revocation]

PART 1225—PYRETHRUM INSECTICIDE AGRICULTURAL USES OF PYRETHRUM INSECTICIDE

Effective November 29, 1944, War Food Order No. 46 (formerly Food Production Order No. 11)¹ is hereby revoked. However, with respect to violations of said War Food Order No. 46, or rights accrued, or liabilities incurred thereunder, prior to this revocation, said War Food Order No. 46 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9250, 7 F.R. 10179; E.O. 9322, 8 F.R. 3607; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of November 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-18967; Filed, Nov. 23, 1944;
11:13 a. m.]

[WFO 49, Revocation]

PART 1226—ROTHONE INSECTICIDE AGRICULTURAL USES OF ROTHONE INSECTICIDE

Effective November 29, 1944, War Food Order No. 49 (formerly Food Production

¹ 8 F.R. 10032; 9 F.R. 2322, 4319, 7697.

Order No. 13)¹ is hereby revoked. However, with respect to violations of said War Food Order No. 49, or rights accrued, or liabilities incurred thereunder, prior to this revocation, said War Food Order No. 49 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of November 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-18068; Filed, Nov. 28, 1944;
11:13 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

The regulations in §§ 701.2, 701.4 and 701.9 pertaining to recruiting and induction for the Army of the United States are hereby amended as follows:

In § 701.2 paragraphs (a), (d) and (f) are amended as follows:

§ 701.2 *Eligibility for enlistment and reenlistment in the Army of the United States*—(a) *General*. Any male citizen of the United States over 38 years of age who is able-bodied, free from disease, of good character, and who meets the required physical and mental tests may be enlisted or reenlisted in the Army of the United States as hereinafter prescribed. Each applicant for enlistment or reenlistment will be required to state, under oath, whether or not he is a citizen of the United States. Persons other than citizens of the United States will be enlisted or reenlisted only in accordance with general instructions or by special authority of the War Department.

(d) *Men 38 to 50*. Male citizens of the United States, possessing technical skills which are needed by the Army, who have reached their 38th birthday and who at the time of application for enlistment have not attained their 50th birthday, may, when specifically authorized by The Adjutant General, be accepted for enlistment and assignment to service command units or War Department overhead units or installations, provided they are qualified for general military service, and vacancies exist within the units or installations.

(f) *Enlistment and reenlistment of former members of armed forces*. Notwithstanding the provisions of Executive Order No. 9279, 5 December 1942, the en-

listment in the Army of the United States within the continental limits of the United States, the Island of Puerto Rico, and the Territories of Alaska and Hawaii is authorized for any male person who within 15 days immediately preceding the date upon which he presents himself for enlistment had been a member of the armed forces of the United States, or any Reserve component thereof, or the armed forces of any of the United Nations, provided he is otherwise qualified for enlistment under current War Department policies.

Section 701.4 is revoked as follows:

§ 701.4 *Clearance of selective service registrants*. [Revoked]

In § 701.9 paragraph (b) is revoked.

§ 701.9 *Enlistments and reenlistments requiring special authority*. * * * (b) *Over 50*. [Revoked]

(41 Stat. 765; 10 U.S.C. 42) [AR 600-750, September 1942 as amended by C9, November 1944]

[SEAL] EDWARD F. WITSELL,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-18059; Filed, Nov. 27, 1944;
1:49 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3133]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELIZABETH ARDEN, INC., ET AL.

§ 3.45 (c) *Discriminating in price—Direct discrimination—Services and facilities*. In or in connection with the sale of cosmetics, perfumes, toilet preparations, or accessories in commerce, discriminating, directly or indirectly, among competing purchasers of such products (1) by furnishing or contributing to the furnishing of demonstrator services to any retailer purchasing their products when such services are not accorded on proportionally equal terms to other retailer purchasers located in the same city, or other retailer purchasers who in fact resell such products in competition with retailers who receive such services; or—(2) by furnishing or contributing to the furnishing of any services or facilities connected with the handling, sale, or offering for sale of products purchased from respondents to any retailer upon terms not accorded to competing retailers on proportionally equal terms; prohibited. (Sec. 2 (e), 49 Stat. 1527; 15 U.S.C., sec. 13 (e)) [Cease and desist order, Elizabeth Arden, Inc., et al., Docket 3133, October 3, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of October, A. D. 1944.

In the Matter of Elizabeth Arden, Inc., Elizabeth Arden Sales Corporation, and Florence N. Lewis

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answers of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, briefs in support of the complaint and in opposition thereto and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of subsection (e) of section 2 of an act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (Clayton Act), as amended by act approved June 19, 1936 (Robinson-Patman Act):

It is ordered, That respondents Elizabeth Arden, Inc., a corporation, and Elizabeth Arden Sales Corporation, a corporation, their respective officers, representatives, agents, and employees, and respondent Florence N. Lewis, an individual, her representatives, agents, and employees, either jointly or severally, directly or through any corporate or other device, in or in connection with the sale of cosmetics, perfumes, toilet preparations, or accessories in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, among competing purchasers of such products:

1. By furnishing or contributing to the furnishing of demonstrator services to any retailer purchasing their products when such services are not accorded on proportionally equal terms to other retailer purchasers located in the same city, or other retailer purchasers who in fact resell such products in competition with retailers who receive such services.

2. By furnishing or contributing to the furnishing of any services or facilities connected with the handling, sale, or offering for sale of products purchased from respondents to any retailer upon terms not accorded to competing retailers on proportionally equal terms.

It is further ordered, That the charge of unlawful discrimination in price contained in Count I of the complaint herein be, and the same hereby is, dismissed without prejudice to the right of the Commission to institute further proceedings should future facts so warrant.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-18087; Filed, Nov. 28, 1944;
11:27 a. m.]

¹ 8 F.R. 8915, 15809, 9 F.R. 2255, 4319, 7808.

[Docket No. 4853]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ULRICI MEDICINE COMPANY, INC., ET AL.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of respondents' medicinal preparation designated by them as "Ceregen", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc.; any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation (a) is a food; (b) will strengthen or fortify the system, or cause the system to be healthy; (c) will restore or calm the nerves, or cause the nerves to be healthy; (d) will renew energy, restore the vivacity of youth, or result in physical well-being; (e) will make one strong, either mentally or physically; (f) has any substantial value in the treatment of anemia; (g) will protect one's health; (h) is of any therapeutic value during convalescence, or in the restoration of lost vigor resulting from illness, except insofar as it may stimulate the appetite; (i) will aid in the recovery of lost energy or vigor resulting from mental or physical fatigue; (j) has any significant value in guarding or protecting the health of expectant mothers; or (k) will relieve neurasthenia or other nervous ailments; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C. sec. 45b) [Cease and desist order, Ulrici Medicine Company, Inc., et al., Docket 4853, October 18, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1944.

In the Matter of Ulrici Medicine Company, Inc., a Corporation, and Trans-Pac Services, Inc., a Corporation

The proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Ulrici Medicine Company, Inc., and

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Trans-Pac Services, Inc., corporations, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's medicinal preparation designated by them as "Ceregen", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication,

(a) That said preparation is a food;

(b) That said preparation will strengthen or fortify the system, or cause the system to be healthy;

(c) That said preparation will restore or calm the nerves, or cause the nerves to be healthy;

(d) That the use of said preparation will renew energy, restore the vivacity of youth, or result in physical well-being;

(e) That said preparation will make one strong, either mentally or physically;

(f) That said preparation has any substantial value in the treatment of anemia;

(g) That said preparation will protect one's health;

(h) That said preparation is of any therapeutic value during convalescence, or in the restoration of lost vigor resulting from illness, except insofar as it may stimulate the appetite;

(i) That said preparation will aid in the recovery of lost energy or vigor resulting from mental or physical fatigue;

(j) That said preparation has any significant value in guarding or protecting the health of expectant mothers;

(k) That said preparation will relieve neurasthenia or other nervous ailments.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-18083; Filed, Nov. 23, 1944;
11:27 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 55 Stat. 177; E.O. 8924, 7 F.R. 323; E.O. 9340, 7 F.R. 627; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 75]

SYNTHETIC CAMPHOR

§ 3293.1075 *Schedule 75 to General Allocation Order M-300—(a) Definitions.* For the purpose of this schedule:

(1) "Synthetic camphor" means the oxygenated bicyclic terpene of the empirical formula $C_{15}H_{22}O$ which is synthesized from turpentine or borneol.

(2) "Producer" means any person who produces or imports synthetic camphor.

(3) "Distributor" means any person who purchases synthetic camphor for resale as such.

(4) "War order" means a purchase order for synthetic camphor ultimately to be delivered to, or incorporated into material to be delivered to, the United States Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Civil Aeronautics Administration, National Advisory Committee for Aeronautics, Office of Scientific Research and Development, Veterans' Administration or the government of any country pursuant to the Act of March 11, 1941 (Lend-Lease Act). "War order" does not include any order from a military exchange or service department unless certified in accordance with Priorities Regulation 17.

(b) *General provisions.* Synthetic camphor is subject to the provisions of Order M-300 as an Appendix B material. For the purpose of this schedule the restrictions in Order M-300 on "suppliers" shall apply only to "producers" as defined in paragraph (a) (2) above. The initial allocation date is December 1, 1944. The allocation period is the calendar month. The small order exemption is 5 pounds per person per month.

(c) *Producers' applications on WPE-2947.* Each producer seeking authorization to use or deliver shall file application on Form WPE-2947 (formerly FD-602). Filing date is the 25th day of the month before the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-75. The unit of measure is pounds. File separate sets for technical grade and for U. S. P. grade. Aggregate quantities may be requested, without specifying customers' names for the following:

For certified war orders.

For uncertified exempt small orders.

For export orders (other than Lend-Lease).

For certified orders for civilian medicinal use.

For certified orders for miscellaneous civilian uses (non-medicinal).

Fill in Table II.

(d) *Certified statements of use.* Each person (including any distributor) placing purchase orders for more than 5 pounds of synthetic camphor per month in the aggregate from all producers and distributors, shall furnish with each purchase order a certified statement of proposed use, in the form prescribed in Appendix D of Order M-300. Proposed use may be specified as follows:

Plastics: War Orders (specify Government contract number or Lend-Lease contract and requisition number).

Plastics: Civilian.

Medicinals: Civilian.

Export (specify destination, consignee and export license number).

(e) *Special instructions for distributors.* (1) Under this schedule distributors are not subject to the provisions of Order M-300 regarding "suppliers", and stocks of synthetic camphor in the hands of distributors on December 1, 1944, shall not be subject to this schedule.

(2) Each distributor of synthetic camphor shall file certified statements of use with his purchase orders pursuant to paragraph (d) above, specifying the aggregate quantities required for each use by his customers, and shall redeliver accordingly.

(3) A distributor who redelivers on uncertified exempt small orders shall specify on his own certificate what he believes his small order customers' uses to be, and shall be responsible only for a known misstatement.

(4) A distributor who is unable to redeliver for the purposes specified in his certificate shall not redeliver the synthetic camphor for any other purpose unless specifically authorized in writing by the War Production Board. Application for authorization may be made on Form WPB-2947 as shown in paragraph (c) above.

(f) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-75.

Issued this 28th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-18085; Filed, Nov. 28, 1944;
11:21 a. m.]

PART 3294—IRON AND STEEL PRODUCTION
[Preference Rating Order P-68 as Amended
Nov. 28, 1944]

MAINTENANCE REPAIR AND SUPPLIES

§ 3294.131 *Preference Rating Order P-68—(a) Purpose and scope.* This or-

der describes the procedure by which a producer (as defined herein) obtains material for maintenance, repair, operating supplies and extraordinary maintenance and repair (as defined herein). With respect to such producers, this order supersedes CMP Regulation No. 5, and none of the provisions of that regulation shall apply to any such producer, and no such producer shall obtain any material under that regulation, except as specified in this order. However, privileges under other orders and regulations of the War Production Board granted to persons on Schedule A of CMP Regulation No. 5 shall be considered as applicable to producers operating under this order. Producers operating under Order P-68 are in the same position providing that certification clauses and all other provisions of such other orders are complied with. Construction for which priorities assistance is not given under this order is covered by Conservation Order L-41.

(b) *Definitions.* (1) "Producer" means any plant or group of plants physically situated within the limits of the United States, its territories, or its possessions, actually engaged in the production of any one or more of the materials or products listed in Schedule A, and to which a serial number has been issued as provided in paragraph (c).

(2) "Maintenance" means the minimum upkeep necessary to continue in sound working condition a facility used in the production of any one or more of the materials or products listed in Schedule A, and "repair" means the restoration of such a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided*, That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (b) (4).

(3) "Operating supplies" means any materials or products which are normally carried by a producer as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies. The term shall also include such items as hand tools, purchased by the producer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.

(4) Minor capital additions and replacements may be obtained under the procedures provided for in this order for obtaining ordinary maintenance, repair, and operating supplies where the cost does not exceed \$500 (excluding the purchaser's cost of labor) for any one complete capital addition, or \$2500 (ex-

cluding the purchaser's cost of labor for any one replacement. The terms "one complete capital addition" and "one replacement" include a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition or replacement shall be subdivided for the purpose of coming within this paragraph. The same procedure may be used to obtain materials needed for the installation or relocation of machinery or equipment or for making building alterations in connection with such installation or relocation of machinery or equipment which is permitted by Direction 2 to Order L-41 without getting specific authorization under that order.

(5) "Extraordinary maintenance and repair" means the relining of blast furnaces, the rebuilding of coke ovens, soaking pits, heating furnaces and other facilities where the purpose is to restore such facilities to their rated capacity and the cost of the controlled materials and the Class A and B products (excluding the purchaser's cost of labor) exceed \$2,500, but does not include projects whose object is increase in rated capacity or expansion of facilities, nor projects involving redesign of facilities where such redesign would require structural alterations to the facility. The term covers major jobs that have to be done infrequently but which can be foreseen and for which authority to proceed may be obtained well in advance.

(6) "Replacement" is restricted to the replacement of equipment which is in such condition that it is unsuitable for further use, and such replacement may only be for the purpose of maintaining production of existing facilities at their rated capacity. In a case where, though equipment may still be usable, further repairs would involve an excessive loss of production or expenditure of material in view of the results to be obtained, the producer may apply for assistance under paragraph (j), or through filing an application on Form WPB-3196, where the value of the replacement is less than \$2,500. The term does not include replacement of equipment which is not substantially in kind, or which would result in appreciable betterment or improvement, or which would increase production or be an addition to present facilities.

(c) *Issuance of serial numbers.* A serial number may be issued by the War Production Board under this order to a plant or group of plants physically situated within the limits of the United States, its territories, or its possessions, and actually engaged in the production of any one or more of the materials or products listed in Schedule A, and may be denied or cancelled by the War Production Board in appropriate cases. In taking such action and in granting priorities assistance, the War Production Board will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of critical material involved, and the importance to

national defense of competing demands for such material.

Ordinary Maintenance, Repair, and Operating Supplies

(d) *Controlled materials.* (1) A producer may obtain steel, copper and aluminum in the form of controlled materials (as defined in CMP Regulation No. 1) for ordinary maintenance, repair, or operating supplies by endorsing or accompanying his delivery order with the certification prescribed in paragraph (f). An order bearing this certification constitutes an authorized controlled material order.

(2) [Revoked Feb. 26, 1944]

(e) *Other material.* A preference rating of AA-1 is hereby assigned to producers for the purchase of ordinary maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials). This rating may be applied by a producer by endorsing or accompanying his delivery order with the certification prescribed in paragraph (f).

(f) *Certification.* Delivery orders placed pursuant to paragraph (d) or (e) must be endorsed or accompanied by a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7.

CMP Allotment Symbol S-8

Preference Rating AA-1 S-8

Order authorized under Preference Rating Order P-68.

The use of the foregoing certification shall constitute a representation by the producer to the seller and to the War Production Board, subject to the penalties of section 35A of the United States Criminal Code, that to the best of the producer's knowledge and belief he is authorized under applicable War Production Board orders and regulations to place the delivery order, to receive the items ordered for the purpose for which ordered, and to use the above preference rating or allotment number or symbol for this purpose.

(g) *Restrictions on receipts and inventory.* (1) No producer who uses an allotment symbol or preference rating assigned under this order may receive during any calendar year an aggregate amount of ordinary maintenance, repair and operating supplies exceeding 120% of his aggregate expenditures for ordinary maintenance, repair and operating supplies during the calendar year 1942.

(2) Nothing in this regulation authorizes any person to receive any delivery of maintenance, repair, or operating supplies if it would increase his inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1 or would result in a violation of the inventory limitations of CMP Regulation No. 2. No inventory limitations of any other order or regulation of the War Production Board shall be applicable.

(h) *Restrictions on use.* Material obtained under paragraphs (d) and (e) may, when necessary to prevent delays, be used for construction projects, for

replacements valued at over \$2,500, or for extraordinary maintenance and repair, if the same material has been approved by the War Production Board for such use in the particular project or installation, but the only rating that may be used to replace such material in inventory is the rating assigned to the project on which it was used.

Replacements Over \$2,500 and Extraordinary Maintenance and Repair

(i) *All materials.* To obtain priorities assistance for material needed for replacements valued at over \$2,500 or for extraordinary maintenance and repair, a producer must apply on form WPB-3196, to the Maintenance and Repair Section, Steel Division, War Production Board, Washington 25, D. C. The priorities assistance granted generally by this order for maintenance, repair and operating supplies may not be used for replacements valued at over \$2,500 or for extraordinary maintenance and repair, as provided in paragraphs (d) and (e), through use of the S-8 symbol and the rating assigned, if, but only if, such use is specifically authorized. Orders placed for such materials must be certified in accordance with paragraph (f), and must show the serial number assigned by the War Production Board on the applicable Form WPB-3196.

General Provisions

(j) *Additional assistance in individual cases.* If the sound working condition of a producer is adversely affected by any provision of this order or by inability to obtain material essential for repair, maintenance or operating supplies, the producer may apply to the War Production Board for additional assistance by letter, in triplicate, giving the reasons why such assistance is essential. In case of breakdown, imminent breakdown, or other emergency, the application may be made by telegraph or telephone.

(k) *Communications.* All communications concerning this order should be addressed to War Production Board, Washington, D. C., Ref: P-68.

(l) *Effect on other orders.* Nothing in this order shall be construed to relieve any person from complying with any applicable regulation or order of the War Production Board or with any order of any other competent authority.

(m) *Records and reports.* Each person acquiring maintenance, repair, or operating supplies pursuant to this order shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board. The record-keeping and reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(n) *Violations.* Any person who willfully violates any provisions of this order or who, in connection with this order, willfully conceals a material fact

or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 23th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

1. Iron, pig iron, and ferroleloys.
2. The following iron and steel products, including alloys: ingots, blooms (including forged), billets (including forged), slabs (including forged), tube rounds, sheet and tin bars, structural shapes, piling, plates (universal and cheared), rails, tie plates, track spikes, splice bars, rail joints, hot rolled bars (including hoops and bands and concrete reinforcing bars), cold finished bar, pipe and tubes (except conduit), wire rods, wire as drawn (not including further fabrications therefrom), black plate, tin andterne plate, sheets, strip, tool steel bars (including high speed), steel wheels and axles (for railroad use only), railroad locomotive tires, armor plate, ordnance forgings, drop and upset forgings, heavy forgings, iron and steel castings (rough as cast), sheels, rolling mill rolls, ingot molds and steels.
3. Coke for use in the production of pig iron and ferroleloys.

[P. R. Doc. 44-18036; Filed, Nov. 23, 1944; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 109]

SALES OF SPECIFIED SURPLUS APPAREL ITEMS BY DEPARTMENT OF PURCHASE OF THE CITY OF NEW YORK TO PROCUREMENT DIVISION OF THE TREASURY DEPARTMENT OF THE UNITED STATES

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1305.123 *Sales of specified surplus apparel items by the Department of Purchase of the City of New York to Procurement Division of the Treasury Department of the United States.* Notwithstanding the provisions of any maximum price regulation issued by the Office of Price Administration, or any amendment thereto or order thereunder, maximum prices for sales by the Department of Purchase of the City of New York to the Procurement Division of the Treasury Department of the United States of the following specified surplus apparel items, in the approximate quantities mentioned, are established as follows:

(a) Approximately 5,186 dozen girls' cotton knit undershirts, model #203, sizes 8, 10, 12 and 14, flat knit carded

*Copies may be obtained from the Office of Price Administration.

yarn, 28 wales to the inch: \$1.535 per dozen.

(b) Approximately 5,457 dozen, boys' cotton knit undershirts, model #304, sizes 8 and 10, flat knit carded yarn, 28 wales to the inch: \$1.535 per dozen;

(c) Approximately 1,762 dozen, men's cotton trousers, model #307, sizes 44 to 52, unsanforized, no suspender buttons, cotton trousering 7½ ounces per square yard: \$16.37 per dozen.

The foregoing maximum prices are subject to the terms of payment, delivery requirements and packaging and marking specifications contained in contract No. DA-TFS-67941, Req. No. RR-323, between Procurement Division of Treasury Department of the United States and Department of Purchase, City of New York.

This Supplementary Order No. 100 shall become effective December 4, 1944.

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18100; Filed, Nov. 28, 1944;
11:41 a. m.]

PART 1340—FUEL

[MPR 88, Corr. to Amdt. 14¹]

FUEL OIL, GASOLINE AND LIQUEFIED
PETROLEUM GAS

The designation of section 2.28 (a) in item 2 of Amendment No. 14 is corrected to read section 2.28 (a) (1).

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18092; Filed, Nov. 28, 1944;
11:41 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270,² Amdt. 6]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY
FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 4 (c) is amended to read as follows:

(c) *All other sales by dealers.* (1) With respect to dry edible beans the dealer's maximum price for all other sales except those mentioned in subparagraph (2) below is the base price plus 10¢ per cwt. if he is located in Michigan, or plus 15¢ per cwt. if he is located elsewhere, and plus 15¢ per cwt. for sales ex-warehouse in any quantity. With respect to dry peas the dealer's maximum price for all other sales except those mentioned in (2) below is the base price only, plus 15¢ per cwt. for sales ex-warehouse in any quantity.

(2) The dealer's maximum price for any sale of dry edible beans or dry peas

made to a wholesaler through a broker located in the terminal market or marketing area at the destination of carload or truckload shipments is the maximum price otherwise applicable under paragraph (c) (1) above, plus either the broker's actual charge (not to exceed his maximum charge under Maximum Price Regulation 165) or 10¢ per cwt., whichever is lower.

This amendment shall become effective December 4, 1944.

Issued this 28th day of November 1944.

CHESTER BOWLES,
Administrator.

Approved: November 18, 1944.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44-18095; Filed, Nov. 28, 1944;
11:42 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285,¹ Amdt. 9]

IMPORTED FRESH BANANAS, SALES EXCEPT AT
RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 285 is amended in the following respects:

1. In the table in § 1351.1252 the price for bananas produced in Costa Rica, Panama, Guatemala and Honduras is amended to read \$4.50 per cwt., f. o. b. port of entry.

2. In § 1351.1252 (c) (3) the figure \$1.00 is amended to read 94¢.

3. In § 1351.1253 (c) the figure \$1.00 is amended to read 94¢.

4. Section 1351.1261 (c) is deleted.

5. In § 1351.1267 Column III in the table in Appendix A is amended in the following respects:

a. In part (a) the figure under "sales on stem" is amended to read 1.375 and the figure under "sales in hands" is amended to read 1.485.

b. In part (b) the figure under "sales on stem" is amended to read 1.26 and the figure under "sales in hands" is amended to read 1.36.

This amendment shall become effective December 4, 1944.

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18094; Filed, Nov. 28, 1944;
11:42 a. m.]

PART 1340—FUEL

[MPR 137,² Amdt. 7]

PETROLEUM PRODUCTS SOLD AT RETAIL
ESTABLISHMENTS

A statement of the considerations involved in the issuance of this amend-

¹ 8 F.R. 3050, 10659, 16629; 9 F.R. 219, 1121, 8038, 4016, 5803.

² 9 F.R. 1117, 3078, 8459, 5312, 5826, 9651, 10640, 11539, 11958, 12813.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9 (b) (8) is amended to read as follows:

(8) *Puerto Rico.* Maximum prices of kerosene at retail establishments in Puerto Rico shall be 18¢ per gallon, and 5¢ per quart when a quantity less than one gallon is sold; except that in the Islands of Culebra and Vieques the maximum price shall be 20¢ per gallon, and 5¢ per quart when a quantity less than one gallon is sold.

This amendment shall become effective December 2, 1944.

Issued this 28th of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-18089; Filed, Nov. 28, 1944;
11:40 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 550,¹ Corr. to Amdt. 1]

CURED AND SMOKED FISH

Amendment 1 to Maximum Price Regulation No. 550 is corrected in the following respect:

The first sentence in Item 3 is corrected to read:

3. Section 2.1 (a) (1) and 2.1 (a) (2) are amended to read as follows:

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18097; Filed, Nov. 28, 1944;
11:42 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 481,² Amdt. 8]

SLACK COOPERAGE AND COOPERAGE STOCK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 10, paragraph (c) is amended to read as follows:

(c) *Applications for adjustment—*(1) *When adjustment may be granted.* The Price Administrator may by order adjust the maximum prices established under this regulation for one or more plants of any seller who can show

(i) That increased costs result in hardship which will impede his production of essential supply of slack cooperage and cooperage stock, and

(ii) That his existing maximum price is less than manufacturing costs if his current over-all profits are favorable in relation to those of a representative peace-time period; or that his existing maximum price does not exceed total costs if his current over-all profits are

¹ 9 F.R. 11608.

² 8 F.R. 14312, 16780; 9 F.R. 2946, 3512, 4985, 8815, 8931, 10776.

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 7137, 8987, 9402, 9717, 10046, 9896, 10188, 10638, 12530, 12591, 13522.

² 9 F.R. 9261, 10876, 12129.

comparable to his over-all profits for a representative peace-time period; or that his existing maximum price does not afford a reasonable profit if current over-all profits are unfavorable compared to those in a representative peace-time period.

(2) *Factors which may also be considered.* The following factors are relevant to the consideration of whether maximum prices are at such a level that production or supply of slack staves, slack headings or slack cooperage is impeded or threatened:

(i) Whether greater efficiency in production or merchandising can be reasonably expected so that an adjustment would not be necessary.

(ii) Whether the seller previously sold the particular item under consideration at a price which was below his total unit costs.

(3) *Form and contents of application.* Applications under this section must be filed in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

All applications should contain:

(i) Profit and loss statements, in the detail normally prepared by the applicant, covering the company's entire operations from the year 1936 through the last calendar or fiscal year preceding the filing of the application, the last quarter of such calendar or fiscal year and the available interim period for the current calendar or fiscal year.

(ii) Operating statements for slack staves, slack heading and slack cooperage for the first quarter of 1942, the last calendar or fiscal year preceding the filing of the application, and the available interim period for the current calendar or fiscal year.

(iii) A tabulation showing the production of each item of these commodities for the first quarter of 1942, the last calendar or fiscal year preceding the filing of the application, and the available interim period for the current calendar or fiscal year.

Companies which have previously submitted any of the above-required data may omit such items from the data submitted with their application and indicate when they were submitted.

If any of the above information has been submitted prior to application on OPA Forms A & B for any of the specified periods or if the exact information required in this amendment has been reported as part of a prior application for adjustment of a maximum price, the applicant may so indicate and omit these periods from the current application.

This amendment shall become effective December 4, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been waived by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18096; Filed, Nov. 23, 1944;
11:42 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11, Amdt. 34]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5347 is amended to read as follows:

§ 1394.5347 *Additional heat and hot water rations to avoid hardship*—(a) *When allowed.* An additional ration for heat or heat and hot water (but not for hot water only) may be allowed to avoid hardship if the Board finds (1) that the applicant has taken all reasonable measures, within the limits of his financial ability, to reduce his consumption of fuel oil and (2) that the gallonage value of the fuel oil and unexpired ration evidences or ration credits he has on hand is insufficient to meet his minimum requirements (for the purpose) for the remaining period of his ration. The applicant must include in his statement, in addition to the matters mentioned in § 1394.5341 (b), an explanation of all the efforts he has made to save fuel oil.

(b) *How the additional ration is figured.* The additional ration shall be the amount of fuel oil the Board determines the applicant needs to avoid hardship.

(c) *Not applicable to Pacific Northwest nor to residual users.* This section does not apply (1) to Zones A-3, B-3 and C-3 until the Regional Administrator has declared, after approval from the Washington Office, that there is available in the area where the applicant is located an adequate supply of fuel oil for the purpose, or (2) to a consumer whose equipment is designed to use and regularly uses residual oil for heat or hot water.

This amendment shall become effective on December 2, 1944.

Issued this 28th day of November 1944.

CHESTER BOWLES,
Administrator.

F. R. Doc. 44-18098; Filed, Nov. 23, 1944;
11:40 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11, Amdt. 35]

FUEL OIL

A rationale accompanying this amendment and issued simultaneously herewith has been filed with the Division of the Federal Register.*

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5001 (a) (1a) is added as follows:

(1a) "Acquire" means to accept a transfer or to get possession or title in any other way.

*Copies may be obtained from the Office of Price Administration.
19 F.R. 2357.

2. Section 1394.5153 (a) is amended by substituting for the first sentence thereof the following sentence, "No ration shall be issued or used for the operation of a space heater furnishing heat or hot water or for the operation of domestic cooling equipment if there is a standby facility or, in Zones A-3, B-3 or C-3, if the space heater was acquired, or is equipment converted to the use of fuel oil, after August 23, 1943."

3. Section 1394.5153 (b) (5) is redesignated § 1394.5153 (b) (6).

4. Section 1394.5153 (b) (5) is added as follows:

(5) *Equipment converted to space heater after August 23, 1943.* Even though the space heater is equipment converted after August 23, 1943 to the use of fuel oil:

(i) The applicant was at the time he made the conversion or is at the time of application for a fuel oil ration eligible, but for that space heater, for a new space heater under Ration Order 9A; or

(ii) The conversion burner (defined in Ration Order 9A) was acquired by him under Ration Order 9A.

This amendment shall become effective November 23, 1944.

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18099; Filed, Nov. 23, 1944;
11:40 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[2d Rev. MFR 13, Amdt. 3]

DOUGLAS FIR PLYWOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In section 6, paragraph (b) is amended to read as follows:

(b) *All other grades, services and extras not listed.* If a seller wishes to sell a grade or species of plywood which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted (except as provided in paragraph (a) above), he must apply in writing to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for a maximum price.

The seller's application may be (1) for specific approval in reference to a particular order or inquiry; or (2) for general approval in reference to a price or price list which he seeks to set up for general use in the future on new or non-standard items.

(1) Where the application is for specific approval in reference to a particular order or inquiry, it shall be made prior to any shipment, or within 5 days after acceptance of order, whichever be

*18 F.R. 12257; 9 F.R. 4232, 8147.

the earlier date. The following information shall be set forth: (i) the requested price; (ii) a complete description of the item to be priced, which may be made by reference to a standard item, with an explanation of the differences; (iii) the price differential between it and the most comparable item in the price table between January 1 and October 1, 1941 from the seller's own records, or if that is impossible, from such price tables of other sellers in the trade. If no established price differential existed, detailed analysis of comparative cost of manufacture should be furnished; (iv) the purchaser's name, and points of origin and delivery of shipment.

If the application is for specific approval in reference to a particular order or inquiry which is identical with an order or inquiry upon which specific approval has previously been granted by the Office of Price Administration, it is sufficient for the seller to identify, by reference, such previous application and approval. In such case, the only additional information required is the purchaser's name, and points of origin and delivery of shipments.

A seller using this pricing method may quote and make sales and deliveries prior to receipt of official approval. He also may collect the price he has requested, provided that he has first received a written acknowledgment of his application from the Office of Price Administration and has so informed the purchaser, in writing. The requested price is subject to revision within 30 days after the date of the acknowledgment, and, if the price is ordered to be reduced, the seller must refund any excess collected over the price which is officially approved. If a requested price is not disapproved within 30 days of the date of the acknowledgment, it is approved. Where, after receipt of an application for specific approval, the Office of Price Administration requests additional information from the seller upon which to base its approval of a ceiling price, the time within which the requested price may be revised is automatically extended to 30 days after receipt of the requested information. An officially approved price shall be subject to further adjustment at any time, even after the 30-day period, as to all shipments made after the date of such further adjustment.

An authorization number will be assigned in every case where a special price is approved. Within 10 days after receipt of such number the seller must notify the purchaser in writing of the price which has been officially approved and the authorization number assigned; and the authorization number must appear on all invoices covering shipments made after the date the number was received by the seller.

(2) Where the seller's application is for general approval in reference to a price list which he seeks to set up for general use in the future on new or non-standard items, he shall set forth the

information required for specific approvals by (i) (ii), and (iii) in subparagraph (1) above, and, in addition, a description of the uses to which the items will be put, and the purposes they will serve.

Quotations may not be made, orders taken, or shipments commenced until a maximum price has been officially approved.

An authorization number will be assigned in every instance where a special price or price list is approved; and this number must appear on all orders accepted and sales made, as well as on all invoices covering shipments. A file of all general approvals under this section will be open for inspection at the Office of Price Administration District Office at Portland, Oregon, as well as at the National Office, Lumber Branch, Washington, D. C.

The approval of a maximum price shall not prevent a further adjustment in ceiling prices from being made, as the result of, or without, further application by the seller; and such further adjustment may be made to apply to all sales or shipments after the date the adjustment is issued.

This amendment shall become effective December 4, 1944.

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18091; Filed, Nov. 28, 1944;
11:41 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [RMPR 183; Amdt. 57]

KEROSENE IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 38, Table 25, is amended to read as follows:

TABLE 25—MAXIMUM PRICES FOR KEROSENE

The maximum prices of kerosene at wholesale are established by Maximum Price Regulation No. 88.

The maximum prices of kerosene at retail establishments are established by Revised Maximum Price Regulation No. 137. These prices are 18¢ per gallon, and 5¢ per quart when a quantity less than one gallon is sold, except in the Islands of Vieques and Culebra where the price is 20¢ per gallon, and 5¢ per quart when a quantity of less than one gallon is sold.

This amendment shall become effective December 2, 1944.

Issued this 28th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-18090; Filed, Nov. 28, 1944;
11:40 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 44]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respects:

1. Section 1499.158 is amended to read as follows:

§ 1499.158 *Fourth pricing method; specific authorization by the Office of Price Administration*—(a) *Maximum prices.* The maximum price for any article or group of related articles which cannot be priced under §§ 1499.155, 1499.156, or 1499.157, or which cannot be priced under §§ 1499.155, 1499.156, or 1499.157 without undue hardship, shall be the price or prices in line with the level of maximum prices established by this Maximum Price Regulation No. 188, fixed by the Price Administrator or his duly authorized representative. The maximum price will be fixed in the form of an order establishing a maximum price or a method for determining maximum prices for the applicant. The order may also establish maximum prices for sales by persons other than the manufacturer.

(b) *Reports of maximum prices.* Prior to first offering the article for sale, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report in duplicate applying for specific authorization of a maximum price.

A form for this purpose is obtainable at any Office of Price Administration District or Regional Office. Before submitting his report to the National Office, the manufacturer should consult the appropriate District Office to make sure that the form is properly completed. The Administrator may refer this report to the appropriate field office for action.

The report shall contain a description in detail of the article (including the manufacturing process), a statement of the facts which make it necessary to price the article under this section, and the proposed maximum price, with a detailed explanation of its computation. If the manufacturer bases his report on undue hardship, he shall include in it all the information required by paragraph (e) of § 1499.157. If the manufacturer applies for approval of a pricing formula for a line or group of related articles, he shall include in his report a description in detail of the articles, including the manufacturing processes, and the manner in which they differ from one another, a statement of the pricing formula he proposes for such articles or the maximum prices he proposes, with a detailed explanation of their computation and the reasons why such maximum prices or pricing formula will establish maximum

prices in line with the level of maximum prices established by this Maximum Price Regulation No. 188. The manufacturer should also submit a sample of the article being priced, if practicable; and, upon request of the Office of Price Administration, shall submit such a sample, or in lieu of a sample, a photograph or blueprint or other illustration of the article being priced. In addition, the manufacturer shall submit such other relevant information to supplement his report as the Office of Price Administration may require. Upon receipt of the authorization, the manufacturer may offer the articles for sale in accordance with the terms of the authorization.

In the case of an article for which a maximum price must be determined under this section for a sale to the United States Government or an Allied Government, the manufacturer shall submit the report required in the above paragraph of this paragraph (b) ten days after the formation of the contract. The manufacturer may at any time offer for sale, sell, or deliver the article at a tentative price to such government or agency if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the price so determined. The price shall remain tentative until the maximum price has been determined in the manner provided in this regulation.

2. A new § 1499.158a is added to read as follows:-

§ 1499.158a *Delegation of authority.* Any Regional Administrator, or any District Director authorized by the appropriate Regional Administrator, may, in any case properly referred to him, issue orders under § 1499.158, establishing maximum prices in accordance with the terms of that section.

This amendment shall become effective on the 4th day of December 1944.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of November 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-18093; Filed, Nov. 28, 1944;
11:42 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

ASHLEY NATIONAL FOREST; ORDER FOR THE REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Green River Addition of the Manila Ranger District in the Ashley National Forest, and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1937 (30 Stat., 35, 16 U. S. C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of the Green River Addition of the Manila Ranger District in the Ashley National Forest:

Temporary closure from livestock grazing. (a) The Green River Addition of the Manila Ranger District in the Ashley National Forest is hereby closed for the period December 1, 1944 to May 31, 1945 to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such area pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Ashley National Forest is located.

Done at Washington, D. C., this 27th day of November 1944. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 44-18056; Filed, Nov. 27, 1944;
3:22 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 263-A]

PART 97—REROUTING OF TRAFFIC

REROUTING OF TRAFFIC IN ILLINOIS AND WISCONSIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of November, A. D. 1944.

Upon further consideration of Service Order No. 253 (9 F.R. 13594) of November 10, 1944, and good cause appearing therefor:

It is ordered, That: (a) Service Order No. 253 (9 F.R. 13594) of November 10, 1944, requiring all common carriers by railroad in the States of Illinois and Wisconsin to forward freight traffic routed to, from or by way of the Chicago, Aurora and Elgin Railroad Company (A. A. Sprague and Bernard J. Fallon, Receivers) and the Chicago North Shore and Milwaukee Railroad Company (John B. Gallagher and Edward J. Quinn, Trustees), by routes most available to expedite its movement, be, and

¹ This affects tabulation contained in CFR, § 261.60.

it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4))

It is further ordered, That this order shall become effective at 12:01 p. m., November 27, 1944; that a copy of this order shall be served on the Illinois and Wisconsin State regulatory bodies; that a copy of this order and direction shall be served upon the Chicago, Aurora and Elgin Railroad Company (A. A. Sprague and Bernard J. Fallon, Receivers) and the Chicago North Shore and Milwaukee Railroad Company (John B. Gallagher and Edward J. Quinn, Trustees) and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

W. P. BARREL,
Secretary.

[F. R. Doc. 44-18063; Filed, Nov. 23, 1944;
10:42 a. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 702]

RECONSIGNMENT OF CILERY AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, November 24, 1944, by Kaufman and Brown of car FFE 61520, cary, now on the Chicago Produce Terminal, to John C. Moritz, Philadelphia, Pennsylvania (P. R.R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of November 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-18062; Filed, Nov. 23, 1944;
10:42 a. m.]

[S. O. 70-A, Special Permit 704]

RECONSIGNMENT OF GRAPES AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Pittsburgh, Pennsylvania, November 25, 1944, by The O'Donnell Fruit Company of cars of grapes, now on the Pennsylvania Railroad:

SFRD 20671 to Baer Bros., Hagerstown, Md. (P. RR.).

PFE 87437 to Rubino Co., Greensburg, Pa. (P. RR.).

PFE 74953 to S. T. Runzo, Cresson, Pa. (P. RR.).

PFE 29198 to American Stores, Johnstown, Pa. (P. RR.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of November 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-18063; Filed, Nov. 28, 1944; 10:42 a. m.]

[S. O. 70-A, Special Permit 705]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, November 24, 1944, by Jack Carl Company of car BREX 78380, oranges, now on the Chicago Produce Terminal to D. L. Piazza Company, Moorhead, Minnesota, with stop-off at Minneapolis, Minnesota, for partial unloading (CGW-Gr. Nor.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division; as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the gen-

eral public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of November 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-18064; Filed, Nov. 28, 1944; 10:42 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3358, Amdt.]

AALA SERVICE STATION, LTD.

Vesting Order Number 3358, dated March 21, 1944, is hereby amended as follows and not otherwise:

A. By deleting subparagraph 1 of said Vesting Order Number 3358 and substituting therefor the following:

1. That of the issued and outstanding capital stock of Aala Service Station, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii, and a business enterprise within the United States consisting of 2,268 shares of \$10 par value capital stock, 1,480 shares (65.25%) are registered in the names of and are beneficially owned by the persons listed below in the amounts opposite each name and are evidence of control of Aala Service Station, Limited:

Registered owner	Beneficial owner	Certificate No.	Number of shares
Yamane, Golchi...	Yamane, Golchi.	2	200
		9	202
		14	793
		21	85
Tagakawa, Shin-saku.	Yamane, Golchi.	23	100
Yamane, Saki....	Yamane, Saki....	4	5
		5	5
Total.....		1,480

B. By deleting the vesting clause of said Vesting Order Number 3358 and substituting therefor the following:

hereby vests in the Alien Property Custodian the 1480 shares of capital stock of Aala Service Station, Limited, described in subparagraph 1 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

All other provisions of said Vesting Order Number 3358 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on November 21, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18071; Filed, Nov. 28, 1944; 11:08 a. m.]

[Vesting Order 3401, Amdt.]

MINNIE MARIE ALBERTINE FRITZSCHE

In re: Real property and bank account owned by Minnie Marie Albertine Fritzschke.

Vesting Order Number 3401, dated April 4, 1944, is hereby amended as follows and not otherwise:

By deleting the name "Baer's" appearing in subparagraph 3-a thereof and substituting therefor the name "Baer's".

All other provisions of said Vesting Order Number 3401 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18070; Filed, Nov. 28, 1944; 11:08 a. m.]

[Vesting Order 3731, Amdt.]

MARIE STUMPF, ET AL.

In re: Interest in real property, property insurance policies and a claim owned by Marie Stumpf, Amalia Muller, Gertrude Weng Braun, Ernest Schmidt, William Distelhorst, Hertha Frieda K. Bachman and Alexander Melchior.

Vesting Order Number 3731, dated May 30, 1944, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the following-named persons, whose last known addresses appear opposite their respective names, are residents of Germany and are nationals of a designated enemy country (Germany);

National and Last Known Address

Marie Stumpf, Freiburg, Germany.
Amalia Muller, Karlsruhe, Germany.
Gertrude Weng Braun, Karlsruhe, Germany.

Ernest Schmidt, Munich, Germany.
William Distelhorst, Karlsruhe, Germany.
Hertha Frieda K. Bachman, Germany.
Alexander Melchior, Germany.

2. That Marie Stumpf, Amalia Muller, Gertrude Weng Braun, Ernest Schmidt, William Distelhorst, Hertha Frieda K. Bachman and Alexander Melchior are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. An undivided nine-seventenths (9/17) interest in and to the real property situated in the Counties of Franklin and Crawford, State of Missouri, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,
b. All right, title and interest of Marie Stumpf, Amalia Muller, Gertrude Weng Braun, Ernest Schmidt, William Distelhorst, Hertha Frieda K. Bachman and Alexander Melchior in and to:

(1) Comprehensive Policy No. 3800 issued by the New Hampshire Fire Insurance Company, Manchester, New Hampshire, in the amount of \$1,500 expiring November 24, 1946 and naming as beneficiary "Estate of Nina Mack".

(2) Comprehensive Policy No. 3801 issued by the New Hampshire Fire Insurance Company, Manchester, New Hampshire, in the amount of \$1,000 expiring November 24, 1946 and naming as beneficiary "Estate of Nina Mack".

(3) Comprehensive Policy No. 90099 issued by the New Hampshire Fire Insurance Company, Manchester, New Hampshire, in the amount of \$1,000 expiring March 12, 1945 and naming as beneficiary "Estate of Nina Mack".

(4) Standard Fire Policy No. 85601 issued by the New Hampshire Fire Insurance Company, Manchester, New Hampshire, in the amount of \$500 expiring April 5, 1944 and naming as beneficiary "Estate of Nina Mack".

such policies insuring a portion of the property described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Marie Stumpf, Amalia Muller, Gertrude Weng Braun, Ernest Schmidt, William Distelhorst, Hertha Frieda K. Bachman and Alexander Melchior, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them by William Goeger, 3221 Halliday Avenue, St. Louis, Missouri, and held in the Security National Bank at St. Louis, Missouri under the name and style of "Estate of Nina Mack, William Goeger, Licensee", arising out of the management of the property described in subparagraph 3-a hereof, including but not limited to all security rights in and to any and all collateral for any and all of such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record, particularly that certain lease and option to purchase executed April 30, 1940, by and between Matilda Miller, and others as parties of the first part, and Ozark Cave Association, Inc., as parties of the second part, and recorded July 7, 1941, in the Office of the Recorder of Deeds for the County of Franklin, State of Missouri, in Volume No. 134, page 453, held by or for persons who are not nationals of designated enemy countries,

and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 8095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All those 44 tracts or parcels of land particularly described as follows, which are situated in Franklin County, Missouri, except that designated as Parcel 45 which is situated in Crawford County, Missouri:

Parcel 1. The West half of the Southeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of Section 5, containing 240 acres, more or less.

Parcel 2. The West half of the Northeast $\frac{1}{4}$ of Section 8, containing 60 acres, more or less.

Parcel 3. All that part of the Northwest $\frac{1}{4}$ of Section 8 lying North and East of Highway K, and North of a County Road running nearly East and West, excepting one acre conveyed to Gertrude A. Cooper by deed of record in Vol. 69, page 416, leaving 60 acres, more or less.

All in Township 41 North, Range 1 East of 5th P. M. and containing in the aggregate 320 acres, more or less.

Parcel 4. The West half of the Northeast $\frac{1}{4}$, the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 6, Township 41 North, Range 1 West of 5th P. M., containing 160 acres, more or less.

Parcel 5. The East half of the Northwest $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of Section 7, Township 41 North, Range 2 West of 5th P. M., containing 217.50 acres, more or less.

Parcel 6. The East half of the Northwest $\frac{1}{4}$, the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, and the East half of the East half of the Southwest $\frac{1}{4}$ of Section 8, Township 41 North, Range 2 West of 5th P. M., containing 160 acres, more or less.

Parcel 7. The East half of Section 8, Township 41 North, Range 2 West of 5th P. M., containing 320 acres, more or less.

Parcel 8. The West half of the Southwest $\frac{1}{4}$, the West half of the Northeast $\frac{1}{4}$, and the Northwest $\frac{1}{4}$ of Section 9, Township 41 North, Range 2 West of 5th P. M., containing 320 acres, more or less, excepting the mineral and mining rights on the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Sec. 9 as heretofore reserved, and excepting private roadway 20 feet wide, conveyed to J. W. Tidwell by deed of record in Vol. 123, page 84.

Parcel 9. 7 acres, more or less, being 220 yards off the West end of the North part of the Southeast $\frac{1}{4}$ of Section 11, Township 41 North, Range 2 West of 5th P. M., described as follows: Beginning at the Northeast corner of said Southeast $\frac{1}{4}$, thence South 340 yards, thence Northwest to a point 140 yards South of the Northwest corner of said tract, thence North 140 yards to said Northwest corner, thence East to the place of beginning.

Parcel 10. The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the South half of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 41 North, Range 2 West of 5th P. M., containing 60 acres, more or less.

Parcel 11. The East half of the East half of the Northwest $\frac{1}{4}$, and the East half of Section 17, Township 41 North, Range 2 West of 5th P. M., containing 360 acres, more or less.

Parcel 12. The North half of Section 18, Township 41 North, Range 2 West of 5th P. M., containing 234.14 acres, more or less.

Parcel 13. The North half of Lot 1 of the Southwest $\frac{1}{4}$, lying North of Spring Creek, and Lot 2 of the Southwest $\frac{1}{4}$ of Section 18, Township 41 North, Range 2 West of 5th P. M., containing 88.79 acres, more or less.

Parcel 14. The North half of Lot 2 of the Northwest $\frac{1}{4}$ of Section 19, Township 41 North, Range 2 West of 5th P. M., containing 23.81 acres, more or less.

Parcel 15. All of Section 20, except a strip 440 feet containing 13.30 acres off the South side of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, in Township 41 North, Range 2 West of 5th P. M., containing 628.70 acres, more or less.

Parcel 16. All of Section 21, except a strip 440 feet containing 28.70 acres off the South side of the South half of the Southwest $\frac{1}{4}$, in Township 41 North, Range 2 West of 5th P. M., containing 613.30 acres, more or less.

Parcel 17. The North half of the Northeast $\frac{1}{4}$, the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and the Northwest $\frac{1}{4}$ of Section 22, Township 41 North, Range 2 West of 5th P. M., except 42.21 acres conveyed to Linggelter by deed of record in Vol. 123, page 123 and 10 acres conveyed to Brewer by deed of record in Vol. 123, page 111, leaving 227.79 acres, more or less.

Parcel 18. The West half of the Southeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of Section 22, Township 41 North, Range 2 West of 5th P. M., containing 240 acres, more or less. Subject to mining lease, dated Dec. 29, 1942 of record in Vol. 138, page 255 of the Franklin County records.

Parcel 19. All that part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23 and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23 lying South of the Stanton-Spring Creek County Road, in Township 41 North, Range 2 West of 5th P. M., containing 6 acres, more or less.

Parcel 20. The North half of the Northwest $\frac{1}{4}$ of Section 27, Township 41 North, Range 2 West of 5th P. M., containing 80 acres, more or less. Subject to mining lease, dated Dec. 23, 1942 of record in Vol. 133, page 255 of the Franklin County records.

Parcel 21. The Southeast $\frac{1}{4}$ of Section 23, Township 41 North, Range 2 West of 5th P. M., excepting therefrom the following: 32.83 acres conveyed by deed of record in Vol.

68, page 35; 1 acre by deed of record in Vol. 44, page 207; 1.22 acres by deed of record in Vol. 73, page 467; $\frac{9}{100}$ of an acre by deed of record in Vol. 51, page 577; 2 acres by deed of record in Vol. 88, page 11; $\frac{2}{100}$ of an acre by deed of record in Vol. 102, page 62; 4.94 acres by deed of record in Vol. 116, page 599; 8 acres by deed of record in Vol. 120, page 429; street by deed of record in Vol. 115, page 273; 1.50 acres by deed of record in Vol. 126, page 212; highway right of way by deed of record in Vol. 98, page 159; and Missouri Electric Co. easement by deed of record in Vol. 99, page 530, leaving 112.71 acres, more or less.

Parcel 22. The East half of the Southwest $\frac{1}{4}$ of Section 24, Township 41 North, Range 2 West, excepting 3.11 acres conveyed by deed of record in Vol. 73, page 281 and one acre by deed of record in Vol. 92, page 126, leaving 79.89 acres, more or less.

Parcel 23. The West half of the Southeast $\frac{1}{4}$ of Section 24, Township 41 North, Range 2 West of 5th P. M., containing 84 acres, more or less.

Parcel 24. The East half of the Southeast $\frac{1}{4}$ of Section 24, Township 41 North, Range 2 West of 5th P. M., containing 84 acres, more or less.

Parcel 25. All of Section 25, Township 41 North, Range 2 West of 5th P. M., excepting that part conveyed to Randleman by deed of record in Vol. 115, page 245, leaving 666.21 acres, more or less.

Parcel 26. The North half of the Northeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 41 North, Range 2 West of 5th P. M., except 2 acres conveyed by deed of record in Vol. 115, page 245, and easement of the Missouri Electric Co. by deed of record in Vol. 99, page 530, leaving 118 acres, more or less.

Parcel 27. 8.02 acres, more or less in the East part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 41 North, Range 2 West of 5th P. M., described as follows: Beginning at the Northeast corner thereof, thence South along East line of Section 26, 17.07 chains, thence West 2.66 chains, thence North 58° West 4.60 chains to the Springfield Road, thence with said road North 20° East 1.17 chains, North 2½° West 6.16 chains, North 41¾° East 5.48 chains, North 37½° East 4.02 chains, thence East 32 links to the place of beginning.

Parcel 28. The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 26, the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and all of the Northeast $\frac{1}{4}$ of Section 35, Township 41 North, Range 2 West of 5th P. M., containing 240 acres, more or less.

Parcel 29. The Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the North half of Section 36, Township 41 North, Range 2 West of 5th P. M., containing 360 acres, more or less, a part of which is subject to a lease dated April 30, 1940 of record in Vol. 134, page 453.

Parcel 30. An undivided $\frac{1}{2}$ interest in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 36, Township 41 North, Range 2 West of 5th P. M., containing 40 acres, more or less.

Parcel 31. The Southeast fractional $\frac{1}{4}$, lying Northwest of the Meramec River of Section 36, Township 41 North, Range 2 West of 5th P. M., containing 96.15 acres, more or less, subject to a lease dated April 30, 1940 of record in Vol. 134, page 453.

Parcel 32. The North half of the Northeast fractional $\frac{1}{4}$, West of the Meramec River of Section 1, Township 40 North, Range 2 West of 5th P. M., containing 48.29 acres, more or less, subject to a lease dated April 30, 1940 of record in Vol. 134, page 453.

Parcel 33. The Northwest $\frac{1}{4}$ of Section 30, Township 41 North, Range 1 West of 5th P. M., containing 150.11 acres, more or less, excepting all minerals and mining rights heretofore reserved, and roadway conveyed to the County of Franklin by deed of record in Vol. 129, page 594.

Parcel 34. The Southwest $\frac{1}{4}$ of Section 30, Township 41 North, Range 1 West of 5th P. M., excepting 4 acres conveyed by deed of record in Vol. 108, page 48 and 4 acres by deed of record in Vol. 116, page 236, and 20 foot private roadway conveyed to Denny by deed of record in Vol. 103, page 616, leaving 152.70 acres, more or less.

Parcel 35. The West half of the Northwest fractional $\frac{1}{4}$ of Section 31, lying North of the Meramec River, in Township 41 North, Range 1 West of 5th P. M., containing 57 acres, more or less, subject to a lease dated April 30, 1940 of record in Vol. 134, page 453.

Parcel 36. U. S. Survey No. 3279, Townships 40 and 41, Range 1 West of 5th P. M., containing 340.28 acres, more or less.

Parcel 37. An undivided $\frac{1}{4}$ interest in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 11, Township 40 North, Range 2 West of 5th P. M., containing 40 acres, more or less.

Parcel 38. Lot 3 and the North 29 feet of Lot 4, Block 12 of the Town of Stanton, Missouri.

Parcel 39. Block 16 of the Town of Stanton, Mo.

Parcel 40. Block 17 of the Town of Stanton, Mo., excepting that part lying North of Stanton-Sand Ford County Road, as conveyed by deed of record in Vol. 92, page 90.

Parcel 41. Block 18 of the Town of Stanton, Mo., containing 4.51 acres, more or less.

Parcel 42. Lot 3, Block 19 of the Town of Stanton, Mo.

Parcel 43. Block 20 of the Town of Stanton, Mo., except 15 feet off the West side conveyed to the Railroad.

Parcel 44. Block 21 of the Town of Stanton, Mo., except 1.25 acres in the Northeast corner conveyed by deeds of record in Vol. 90, page 77 and Vol. 110, page 159.

Parcel 45. An undivided one-half interest in the Southwest quarter of the Northeast quarter, Section 33, T 40 N R 2 W containing 40 acres, except an undivided one-half of a 30' strip off the South side of said tract.

[F. R. Doc. 44-18072; Filed, Nov. 28, 1944; 11:08 a. m.]

[Vesting Order 4287]

ADELINE JAEGER

In re: Mortgage Participation Certificate No. 155248 in Mortgage F-1122 (186,084) issued by Bond & Mortgage Guarantee Company to Adeline Jaeger; File No. F-28-18249; E. T. sec. 6034.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Adeline Jaeger in and to Mortgage Participation Certificate No. 155248 in Mortgage F-1122 (186,084) issued by Bond & Mortgage Guarantee Company,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Adeline Jaeger, Germany.

That such property is in the process of administration by the Manufacturers Trust Company, as trustee, acting under the judicial supervision of the Supreme Court, State of New York, County of Kings;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18073; Filed, Nov. 28, 1944; 11:06 a. m.]

[Vesting Order 4288]

LINA JOYCE

In re: Estate of Lina Joyce, deceased; File No. D-28-7551; E. T. sec. 7002.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Baumgartner in and to the estate of Lina Joyce, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Baumgartner, Germany.

That such property is in the process of administration by William Kuehnling, as administrator of the estate of Lina Joyce, acting under the judicial supervision of the Surrogate's Court of Onondaga County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such

person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHALL,
Alien Property Custodian.

[F. R. Doc. 44-18074; Filed, Nov. 28, 1944;
11:06 a. m.]

[Vesting Order 4289]

HERMAN KELLER

In re: Trust under the will of Herman Keller, deceased; File No. F-28-3173; E. T. sec. 4553.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Herman Keller, Rosa Keller, Louise Angele, Katherina Schuriger, Frieda Schuriger Vogt, Matilda Schuriger Farber, Hedwig Schuriger, Heinrich Schuriger, Otto Keller, Emma Kling, and their issue, whose names are unknown, and the issue of Frieda Lydia Keller Sautter, deceased, Johan Keller, deceased, and Babette Keller, also known as Barbara Keller, deceased, whose names are unknown, and each of them, in and to the trust created under the will of Herman Keller, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hermann Keller, and his issue, whose names are unknown, Germany.

Rosa Keller, and her issue, whose names are unknown, Germany.

Louise Angele, and her issue, whose names are unknown, Germany.

Katherina Schuriger, and her issue, whose names are unknown, Germany.

Frieda Schuriger Vogt, and her issue, whose names are unknown, Germany.

Matilda Schuriger Farber, and her issue, whose names are unknown, Germany.

Hedwig Schuriger, and her issue, whose names are unknown, Germany.

Heinrich Schuriger, and his issue, whose names are unknown, Germany.

Otto Keller, and his issue, whose names are unknown, Germany.

Emma Kling, and her issue, whose names are unknown, Germany.

Issue of Frieda Lydia Keller Sautter, deceased, whose names are unknown, Germany.

Issue of Johan Keller, deceased, whose names are unknown, Germany.

Issue of Babette Keller, also known as Barbara Keller, deceased, whose names are unknown, Germany.

That such property is in the process of administration by Title Guarantee and Trust Company and Karl Keller, Trustees, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHALL,
Alien Property Custodian.

[F. R. Doc. 44-18075; Filed, Nov. 23, 1944;
11:06 a. m.]

[Vesting Order 4230]

THEODOR KLUTH

In re: Estate of Theodor Kluth, deceased, and Trust under the will of Theodor Kluth, deceased; File D-22-2540; E. T. sec. 3338.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:

(a) All right, title, interest and claim of any kind or character whatsoever of Maria Hardung, Frieda Mink, Trudy Pauly (also known as Gertrud Pauly, also known as Gertrude Mink), Frau General Karl Schupbaum, Frau Toni Fuhrmeister, and each of them, in and to the Estate of Theodor Kluth, deceased, and

(b) All right, title, interest and claim of any kind or character whatsoever of Maria Hardung, Sibylla Pauly, also known as Sibylla Pauly, Frieda Mink, Trudy Pauly (also known as Gertrud Pauly, also known as Gertrude Mink), Hans Mink, Erika Mink, and the issue of Frieda Mink, Trudy Pauly (also known as Gertrud Pauly, also known as Gertrude Mink), and Hans Mink, whose names are unknown, and each of them, in and to the trust created under the Last Will and Testament of Theodor Kluth, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

Maria Hardung, Germany.

Sibylla Pauly, also known as Sibylla Pauly, Germany.

Frieda Mink, Germany.

Trudy Pauly (also known as Gertrud Pauly, also known as Gertrude Mink), Germany.

Hans Mink, Germany.

Erika Mink, Germany.

Frau General Karl Schupbaum, Germany.

Frau Toni Fuhrmeister, Germany.

Issue of Frieda Mink, Trudy Pauly (also known as Gertrud Pauly, also known as Gertrude Mink) and Hans Mink, whose names are unknown, Germany.

That such property is in the process of administration by the Guaranty Trust Company of New York, as Executor and Trustee under the Will of Theodor Kluth, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the inter-

est and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18076; Filed, Nov. 28, 1944;
11:06 a. m.]

[Vesting Order 4291]

LILLIAN G. LINGENFELDER

In re: Estate of Lillian G. Lingenfelder, also known as Lillian E. Gibson, deceased; File D-28-7471, E. T. sec. 7684.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Herman Lingenfelder (Lingerfelder) and children, names unknown, of brothers and sisters of Jacob Lingenfelder, deceased husband of decedent, and each of them, in and to the Estate of Lillian G. Lingenfelder, also known as Lillian E. Gibson, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Lingenfelder (Lingerfelder), Germany.

Children, names unknown, of brothers and sisters of Jacob Lingenfelder, deceased husband of decedent, Germany.

That such property is in the process of administration by the Bank of America National Trust and Savings Association, as Administrator with the Will Annexed, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Los Angeles;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such per-

sons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18077; Filed, Nov. 28, 1944;
11:06 a. m.]

[Vesting Order 4292]

ABRAHAM LUDMER

In re: Estate of Abraham Ludmer also known as Abe Ludmer, deceased; File No. D-57-47; E. T. sec. 1148.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Goldie Ludmer, in and to the Estate of Abraham Ludmer also known as Abe Ludmer, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

National and Last Known Address

Goldie Ludmer, Rumania.

That such property is in the process of administration by the Treasurer of the City of New York, as depository, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Rumania);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18078; Filed, Nov. 28, 1944;
11:06 a. m.]

[Vesting Order 4293]

ROBERT E. T. MULLER

In re: Estate of Robert E. T. Muller, also known as T. Caurobert Eherecht Thurecht Muller, deceased; File D-28-8280, E. T. sec. 9483.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Grote Fritz, Clara Hilpert and Friedrich Hilpert, also known as Fritz Hilpert, and each of them, in and to the estate of Robert E. T. Muller, also known as T. Caurobert Eherecht Thurecht Muller, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Grete Fritz, Germany.
 Clara Hilpert, Germany.
 Friedrich Hilpert (also known as Fritz Hilpert), Germany.

That such property is in the process of administration by Charles F. W. Muller and Otto Muller, Executors of the Estate of Robert E. T. Muller, also known as T. Caurobert Eherecht Thurecht Muller, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc 44-18079; Filed, Nov. 28, 1944;
 11:07 a. m.]

[Vesting Order 4294]

CARL H. REUTER

In re: Trust under the will of Carl H. Reuter, deceased; file: D-28-2352; E. T. sec. 4326.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Dr. Martin C. E. Reuter, Johanna Reuter, and Heirs, next

of kin, executors or personal representatives entitled to receive the estate of Gabriella Reuter, deceased, and each of them, in and to the trust created under the will of Carl H. Reuter, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Dr. Martin C. E. Reuter, Germany.
 Johanna Reuter, Germany.

Heirs, next of kin, executors or personal representatives entitled to receive the estate of Gabriella Reuter, deceased, Germany.

That such property is in the process of administration by the Provident Trust Company of Philadelphia, as Trustee of the trust created under the will of Carl H. Reuter, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18080; Filed, Nov. 23, 1944;
 11:07 a. m.]

[Vesting Order 4295]

ALMA M. SCHETTER

In re: Estate of Alma M. Schetter, deceased; File No. D-28-3783; E. T. sec. 6329,

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Franz Hering, Albrecht Hering, Fritz Hering, Max Hering, Lisbeth Friedrich and Gertrud Lange, in and to a sum of \$349.33 deposited in the Registry of the Superior Court of Providence County, State of Rhode Island by Industrial Trust Company under a decree of said Court, dated March 24, 1944, in an action in Equity No. 17093, entitled "Industrial Trust Company, Executor u/w of Alma M. Schetter, for discharge from liability";

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Franz Hering, Germany.
 Albrecht Hering, Germany.
 Fritz Hering, Germany.
 Max Hering, Germany.
 Lisbeth Friedrich, Germany.
 Gertrud Lange, Germany.

That such property is in the process of administration by the Clerk of the Superior Court, County of Providence, State of Rhode Island, depositary, acting under the judicial supervision of the Superior Court, County of Providence, State of Rhode Island;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18081; Filed, Nov. 28, 1944;
11:07 a. m.]

[Vesting Order 4296]

CILLI SCHOENFELD

In re: Estate of Cilli Schoenfeld, also known as Cillie Schoenfeld and Cillie Schonfeld, deceased; File No. D-57-59; E. T. sec. 2002.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Geno (Geon) Schwarz in and to the Estate of Cilli Schoenfeld, also known as Cillie Schoenfeld and Cillie Schonfeld, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

National and Last Known Address

Geno (Geon) Schwarz, Rumania.

That such property is in the process of administration by the Treasurer of the City of New York, as depository, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Rumania);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18082; Filed, Nov. 28, 1944;
11:07 a. m.]

[Vesting Order 4297]

LOUIS STREICHER

In re: Estate of Louis Streicher, deceased; File D-28-8081; E.T. sec. —.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Agnes Schumann; Marie Eger; Fanny Marie Klepper; Helene Elise Münzner; Selma Helene Klepper; Anna Klara Kämpf; Heirs, names unknown, of Paul Haase; Heirs, names unknown, of Arthur Haase and Heirs, names unknown, of Alfred Haase, and each of them, in and to the Estate of Louis Streicher, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Agnes Schumann, Germany.

Marie Eger, Germany.

Fanny Marie Klepper, Germany.

Helene Elise Münzner, Germany.

Selma Helene Klepper, Germany.

Anna Klara Kämpf, Germany.

Heirs, names unknown, of Paul Haase, Germany.

Heirs, names unknown, of Arthur Haase, Germany.

Heirs, names unknown, of Alfred Haase, Germany.

That such property is in the process of administration by Newton C. Smith, as Executor of the Estate of Louis Streicher, acting under the judicial supervision of the Circuit Court of the State of Oregon, for the County of Multnomah;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indi-

cate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18083; Filed, Nov. 28, 1944;
11:08 a. m.]

[Vesting Order 4298]

JULIUS AUGUST SUCK

In re: Estate of Julius August Suck, also known as Julius A. Suck, deceased; File D-28-8566; E. T. sec. 10174.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Mary (Wichman) Wichmann and her heirs, Walter Suck and his heirs and Guenter Suck and his heirs, and each of them, in and to the Estate of Julius August Suck, also known as Julius A. Suck, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mary (Wichman) Wichmann and her heirs, Germany.

Walter Suck and his heirs, Germany.

Guenter Suck and his heirs, Germany.

That such property is in the process of administration by Frederick L. Patton, as Executor, acting under the judicial supervision of the Probate Court, County of Suffolk, Commonwealth of Massachusetts;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an ap-

appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-18084; Filed, Nov. 28, 1944;
11:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region VI Order G-1 Under MPR 426,
Amdt. 1]

FRESH FRUITS AND VEGETABLES IN DESIGNATED CITIES IN IOWA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Des Moines, Iowa District Office of the Office of Price Administration by section 2 (c) of Maximum Price Regulation No. 426, and Appendix J (1) (1) and K (r) (1), it is hereby ordered:

1. Order No. G-1 under Maximum Price Regulation No. 426 is hereby amended in the following respects:

Section (a) is hereby amended to read as follows:

(a) *What this order does.* This order determines the limits of the free delivery zone at the wholesale receiving points of Cedar Rapids, Waterloo, Fort Dodge, Mason City, Creston, Des Moines and Ottumwa, Iowa. It also establishes differentials for non-delivered sales in the free delivery zones and for delivered sales beyond the free delivery zones. The order applies to such fresh fruit and vegetable items as are now or may hereafter be subject to the pricing provisions of Maximum Price Regulation No. 285, imported fresh bananas, sales except at retail, and Appendices H, I, J and K of Maximum Price Regulation No. 426, fresh fruits and vegetables for table use. The only sellers who are subject to this order are those wholesalers who price

under Maximum Price Regulation No. 285, and secondary jobbers and service wholesalers as these terms are used in Appendices H, I, J and K of Maximum Price Regulation No. 426.

The first sentence of section (c) 1 is hereby amended to read as follows:

1. *Non-delivered sales.* For sales on a non-delivered basis of the commodities covered in Appendices H, I, J and K of Maximum Price Regulation No. 426, there shall be deducted from the price for delivered sales in a free delivery zone, 5¢ per container for standard shipping containers weighing under 50 pounds gross weight, and 10¢ per container for standard shipping containers weighing 50 pounds or over gross weight.

This amendment shall become effective immediately.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1944.

WALTER D. KLINE,
District Director.

Approved:

DONALD E. SMITH,
Acting Regional Director,
Office of Distribution,
War Food Administration.

[F. R. Doc. 44-18053; Filed, Nov. 27, 1944;
12:37 p. m.]

[Region VIII Order G-14 Under RMPR 333]

EGGS AND EGG PRODUCTS IN DESIGNATED CALIFORNIA COUNTIES

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 3.3 (a) of Revised Maximum Price Regulation No. 333, it is hereby ordered:

(a) The adjusted maximum prices of shell eggs in that portion of the California counties of El Dorado, Nevada, Placer, and Sierra situated east of the crest of the Sierra Nevada shall be the maximum price provided by section 1.11, 1.12, and 1.13 of Revised Maximum Price Regulation No. 333 for Zone 16.

(b) This order may be revoked, amended, or corrected at any time.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

This order shall become effective on November 22, 1944.

Issued this 20th day of November 1944.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 44-18054; Filed, Nov. 27, 1944;
12:37 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register November 25, 1944.

REGION II

Wilmington Order 13, Amendment 2, covering dry groceries in certain areas in the State of Delaware, filed 9:32 a. m.

Wilmington Order 14, Amendment 2, covering dry groceries in certain areas in the State of Delaware, filed 9:32 a. m.

Wilmington Order 15, Amendment 2, covering dry groceries in certain areas in the State of Delaware, filed 9:32 a. m.

REGION VI

Green Bay Order 9, Amendment 8, covering dry groceries in certain counties in the State of Wisconsin, filed 9:33 a. m.

Green Bay Order 12, Amendment 8, covering dry groceries in certain counties in the State of Wisconsin, filed 9:37 a. m.

Green Bay Order 9, Amendment 9, covering dry groceries in certain counties in the State of Wisconsin, filed 9:31 a. m.

Green Bay Order 12, Amendment 9, covering poultry in certain counties in the State of Wisconsin, filed 9:31 a. m.

REGION VII

New Mexico Order F-1, Amendment 32, covering fresh fruits and vegetables in Albuquerque and Gallup, N. Mex., filed 9:39 a. m.

New Mexico Order F-2, Amendment 18, covering fresh fruits and vegetables in Santa Fe and Las Vegas, N. Mex., filed 9:39 a. m.

New Mexico Order F-4, Amendment 18, covering fresh fruits and vegetables in certain areas in N. Mex., filed 9:39 a. m.

New Mexico Order F-7, Amendment 7, covering fresh fruits and vegetables in certain areas in N. Mex., filed 9:39 a. m.

Wyoming Order 34, Amendment 3, covering community food prices in Buffalo, Gillette and Sheridan County, filed 9:36 a. m.

Wyoming Order 35, Amendment 3, covering community food prices in the Casper area, filed 9:36 a. m.

Wyoming Order 36, Amendment 3, covering community food prices in the Area of Cheyenne, filed 9:36 a. m.

Wyoming Order 37, Amendment 3, covering community food prices in the Cody, Lovell and Powell area, filed 9:35 a. m.

Wyoming Order 33, Amendment 3, covering community food prices in the area of Douglas, filed 9:35 a. m.

Wyoming Order 33, Amendment 3, covering community food prices in the area of Greybull, filed 9:35 a. m.

Wyoming Order 40, Amendment 3, covering community food prices in the Lander and Riverton area, filed 9:35 a. m.

Wyoming Order 41, Amendment 3, covering community food prices in the Laramie area, filed 9:40 a. m.

Wyoming Order 42, Amendment 3, covering community food prices in the Rock Springs area, filed 9:33 a. m.

REGION VIII

Phoenix Order 3-W under 2-B, covering community ceiling prices in the Yuma area, filed 9:40 a. m.

Phoenix Order 4-F, Amendment 23, covering fresh fruits and vegetables in the Tucson area, filed 9:34 a. m.

Phoenix Order 4, Amendment 2, covering community food prices in Central Navajo-Apache area, filed 9:34 a. m.

Phoenix Order 13-W under 2-B, covering community food prices in the Yuma area, filed 9:41 a. m.

Portland Order 3-F, Amendment 7, covering fresh fruits and vegetables in Portland, Oreg., filed 9:33 a. m.

Portland Order 3-F, Amendment 9, covering fresh fruits and vegetables in Portland, Oreg., filed 9:33 a. m.

San Diego Order 1-F, Amendment 81, covering fresh fruits and vegetables in San Diego, Calif., filed 9:33 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-18051; Filed, Nov. 27, 1944;
11:40 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register November 24, 1944.

REGION IV

Jackson Order 3-W, Amendment 2, covering dry groceries in the Mississippi Area, filed 10:25 a. m.

Jackson Order 3-W, Amendment 3, covering dry groceries in the Mississippi Area, filed 10:25 a. m.

Jackson Order 4-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Mississippi, filed 10:14 a. m.

Jackson Order 12, Amendment 2, covering dry groceries in the Mississippi Area, filed 10:24 a. m.

Jackson Order 12, Amendment 3, covering dry groceries in the Mississippi Area, filed 10:24 a. m.

Jackson Order 13, Amendment 3, covering dry groceries in the Mississippi Area, filed 10:24 a. m.

Jackson Order 14, Amendment 2, covering dry groceries in the Mississippi Area, filed 10:24 a. m.

Jackson Order 14, Amendment 3, covering dry groceries in the Mississippi Area, filed 10:24 a. m.

Jacksonville Order 8-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Tampa, Fla., filed 10:13 a. m.

Jacksonville Order 9-F, Amendment 5, covering fresh fruits and vegetables in Jacksonville, Fla., filed 10:22 a. m.

Jacksonville Order 10-F, Amendment 6, covering fresh fruits and vegetables in certain cities and towns in the Florida Area, filed 10:22 a. m.

Jacksonville Order 11-F, Amendment 1, covering fresh fruits and vegetables in certain counties in the North Florida Area, filed 10:23 a. m.

Jacksonville Order 12-F, Amendment 1, covering fresh fruits and vegetables in certain counties in the South Florida Area, filed 10:23 a. m.

Nashville Order 1-O, covering community food prices in the Nashville Area, filed 10:15 a. m.

Nashville Order 2-O, covering community food prices in the Nashville Area, filed 10:11 a. m.

Nashville Order 3-O, covering community food prices in the Nashville Area, filed 10:15 a. m.

Nashville Order 4-O, covering community food prices in the Nashville Area, filed 10:15 a. m.

Nashville Order 5-O, covering community food prices in the Nashville Area, filed 10:10 a. m.

Nashville Order 6-O, covering community food prices in the Nashville Area, filed 10:10 a. m.

Nashville Order 7-O, covering community food prices in the Nashville Area, filed 10:09 a. m.

Nashville Order 8-O, covering community food prices in the Nashville Area, filed 10:09 a. m.

Nashville Order 9-O, covering community food prices in the Nashville Area, filed 10:10 a. m.

Nashville Order 10-O, covering community food prices in the Nashville Area, filed 10:11 a. m.

Nashville Order 12-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Tennessee and Virginia, filed 10:10 a. m.

Savannah Order 7-F, Amendment 5, covering fresh fruits and vegetables in Chatham, Bryan, Effingham and Liberty County, filed 10:12 a. m.

Savannah Order 8-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Georgia, filed 10:12 a. m.

Savannah Order 9-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Georgia, filed 10:12 a. m.

Savannah Order 10-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Georgia, filed 10:11 a. m.

Savannah Order 11-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Georgia, filed 10:11 a. m.

REGION V

Dallas Order 1-F, Amendment 41, covering fresh fruits and vegetables in the Dallas Area, filed 10:13 a. m.

Dallas Order 3-F, Amendment 29, covering fresh fruits and vegetables in the Dallas Area, filed 10:13 a. m.

Shreveport Order 2-F, Amendment 41, covering fresh fruits and vegetables in Shreveport, Louisiana Area, filed 10:14 a. m.

Shreveport Order 3-F, Amendment 30, covering fresh fruits and vegetables in the Shreveport, Louisiana Area, filed 10:14 a. m.

Wichita Order 4-F, Amendment 20, covering fresh fruits and vegetables in the Wichita, Kansas Area, filed 10:22 a. m.

Wichita Order G-25, Amendment 2, covering dry groceries in the Wichita, Kans., Area, filed 10:19 a. m.

Wichita Order G-26, Amendment 2, covering dry groceries in the Wichita Area, filed 10:20 a. m.

Wichita Order G-27, Amendment 2, covering dry groceries in the Wichita Area, filed 10:21 a. m.

Wichita Order G-28, Amendment 2, covering dry groceries in the Wichita Area, filed 10:21 a. m.

REGION VI

Sioux Falls Order 3-W, covering dry groceries in certain counties in Iowa and Minnesota, filed 10:19 a. m.

Sioux Falls Order 15, covering dry groceries in certain counties in Iowa and Minnesota, filed 10:19 a. m.

REGION VII

Wyoming Order 43, Amendment 3, covering community food prices in the Sheridan Area, filed 10:18 a. m.

REGION VIII

Los Angeles Order 1-C, Amendment 1, covering poultry in the Los Angeles Area, filed 10:25 a. m.

Los Angeles Order 2-C, Amendment 1, covering poultry in the Los Angeles Area, filed 10:25 a. m.

Los Angeles Order 1-F, Amendment 42, covering fresh fruits and vegetables in the Santa Barbara and San Luis Obispo Area, filed 10:17 a. m.

Los Angeles Order 5, Amendment 24, covering fresh dry groceries in the Los Angeles Area, Calif., filed 10:26 a. m.

Los Angeles Order 6, Amendment 24, covering fresh dry groceries in the Los Angeles Area, Calif., filed 10:17 a. m.

Los Angeles Order 7, Amendment 24, covering dry groceries in the Santa Barbara-Ventura Area, Calif., filed 10:16 a. m.

Los Angeles Order 8, Amendment 24, covering dry groceries in the Los Angeles Area, filed 10:27 a. m.

Los Angeles Order 10, Amendment 13, covering dry groceries in the Los Angeles Area, Calif., filed 10:27 a. m.

Los Angeles Order 11, Amendment 12, covering dry groceries in the Los Angeles Area, Calif., filed 10:26 a. m.

The following orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-18050; Filed, Nov. 27, 1944;
11:39 a. m.]